



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,583	10/24/2003	Kazuhito Yanadori	OGW-0317	9481

23353 7590 03/30/2006

RADER FISHMAN & GRAUER PLLC  
LION BUILDING  
1233 20TH STREET N.W., SUITE 501  
WASHINGTON, DC 20036

EXAMINER
----------

BRUENJES, CHRISTOPHER P

ART UNIT	PAPER NUMBER
----------	--------------

1772

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/691,583	<b>Applicant(s)</b> YANADORI, KAZUHITO	
	<b>Examiner</b> Christopher P. Bruenjes	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 February 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 1772

**DETAILED ACTION**

**REPEATED REJECTIONS**

1. The 35 U.S.C. 103 rejections of claims 1-4 and 6 over Randle et al in view of Ikeda et al are repeated for the reasons set forth in the previous Office Action mailed September 7, 2005, Pages 2-5 Paragraph 1.

2. The 35 U.S.C. 103 rejections of claims 5 and 7 over Randle in view of Ikeda and Kuribayashi are repeated for the reasons set forth in the previous Office Action mailed September 7, 2005, Pages 5-6 Paragraph 2.

**ANSWERS TO APPLICANT'S ARGUMENTS**

3. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 1-4 and 6 over Randle in view of Ikeda have been fully considered but they are not persuasive.

In response to Applicant's argument that the fact that the claimed hose is used for power steering rather than hydraulic braking that it is a different article. Articles are defined by structure not what the article is used for. As long as the hose of Randle in combination with Ikeda meet the structural limitations of the claimed hose, then the claim is unpatentable

Art Unit: 1772

regardless of whether the references specifically state that the hose is being used as a power steering hose.

In response to Applicant's argument that there is no objective teaching to show that the twisted cord has an intermediate elongation at 0.85cN/dtex of 2.2 to 5.0%. Ikeda et al teach that the threads are optimized with regard to elongation based on the desired end properties of the final article. In particular, Ikeda et al teach that when the elongation at break is decreased fatigue resistance decreases and when elongation at break increases tensile strength decreases. In the same manner, Ikeda et al teach that when an intermediate elongation value is increased the hose exhibits a larger volume expansion and when it is decreased the tensile strength decreases (col.2, 1.44 - col.3, 1.5). Therefore, it would have been obvious to one having ordinary skill in the art that depending on the intended properties of the finished hose, the elongation values of the reinforcement cords would be optimized to arrive at the desired results, as taught by Ikeda et al.

4. Applicant's arguments regarding the 35 U.S.C. 103 rejections of claims 5 and 7 over Randle in view of Ikeda and

Art Unit: 1772

Kuribayashi have been fully considered but they are not persuasive.

In response to Applicant's argument that Kuribayashi fail to disclose the elongation values and number of twists in claim 1, however these limitations are taught in Randle in Ikeda for the reasons in the previous office action and above.

In response to Applicant's argument that twisted cords having a double-twist structure are absent from within Kuribayashi, Kuribayashi teach double-twist structure twisted cords in example 1 in column 5. Therefore since the knowledge of the prior art is gleaned from Kuribayashi and not the Examiner's own knowledge an Examiner's affidavit is not required.

#### **Conclusion**

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will

Art Unit: 1772

expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher P. Bruenjes whose telephone number is 571-272-1489. The examiner can normally be reached on Monday thru Friday from 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christopher P Bruenjes  
Examiner  
Art Unit 1772  
CPB  
CPB  
March 23, 2006

  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

3/27/06